

18 MAY 2009



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In Re Application of :
LAUTON et al. :
Application No.: 10/574,913 :
PCT No.: PCT/EP04/52465 :
Int. Filing Date: 07 October 2004 :
Priority Date: 09 October 2003 :
Attorney Docket No.:2006-0235A :
For: COMPOSITION FOR THE PRETANNING OF PELTS

DECISION

This application is before the Office PCT Legal Administration for consideration of issues arising under 35 U.S.C. 371(c) and consideration of applicant's Request for Correct Filing, filed in the United States Patent and Trademark Office (USPTO) on 07 November 2008, which corrected the Request originally filed on 17 September 2008.

On 07 October 2004, applicant filed international application No. PCT/EP04/52465 which claimed a priority date of 09 October 2003 and which designated the United States. The international application named Alain LAUTON, Wolfgang HERRMANN, Jens FENNEN, Catherine GABAGNOU as the inventor/applicants for the US only.

Thereafter, on 07 April 2006, before the expiration of the thirty month period, applicant filed, *inter alia*, a transmittal letter for entry into the national stage and the basic national stage filing fee. Applicant also filed an executed declaration, which identified only three of the four named inventors: Alain LAUTON, Wolfgang HERRMANN, and Catherine GABAGNOU.

A Notification of Missing Requirements (Form PCT/DO/EO/905) was issued on 02 May 2008 indicating that an oath or declaration and the surcharge for filing the oath or declaration after the thirty month period was required. On 30 June 2008, applicant submitted an executed declaration which identified only one inventor Jens FENNEN.

On 07 August 2008, a Notification of Acceptance Under 35 U.S.C. 371 and 37 CFR 1.495 (Form PCT/DO/EO/903) was mailed indicating a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 25 July 2008.

DISCUSSION

37 CFR 1.497(a)(3) requires that the declaration identify each inventor and the country of

citizenship of each inventor. 37 CFR 1.497(b) requires that the oath or declaration be made by all of the actual inventors. A review of international application PCT/EP04/52465 reveals Alain LAUTON, Wolfgang HERRMANN, Jens FENNEN, Catherine GABAGNOU were named as co-inventors in the published international application.

The declarations submitted on 07 April 2006 and 30 June 2007 are not acceptable because not all the inventors were not listed on each declaration and thus the declarations are not in compliance with 37 CFR 1.497(a) and (b).

Since a proper declaration or oath, in compliance with 37 CFR 1.497(a) and (b) has not been filed in the above referenced application, the Notification of Acceptance mailed on 07 August 2008 was erroneously issued and is hereby VACATED.

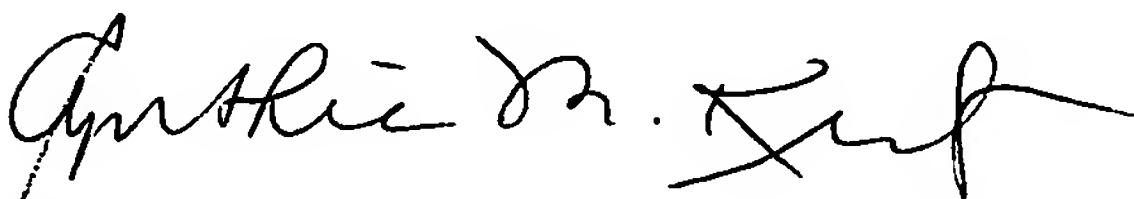
CONCLUSION

For the reasons set forth above, the Notification of Acceptance is **VACATED**. The request to correct filing receipt is **DISMISSED without prejudice**.

The declarations executed by the joint inventors in the above referenced application are unacceptable and are not in compliance with 37 CFR 1.497(a) and (b). A new declaration, in compliance with 37 CFR 1.497(a) and (b), which identifies all the joint inventors and executed by the inventors as listed in the published international application, is required.

Applicant is advised that he must provide a complete response within the time limit of ONE month from the mail date of this decision. No extension of this time limit may be granted under 37 CFR 1.136 but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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